

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 85-0489-RGS

UNITED STATES OF AMERICA,

Plaintiff,

v.

METROPOLITAN DISTRICT COMMISSION, et al.,

Defendants.

CIVIL ACTION NO. 83-1614-RGS

CONSERVATION LAW FOUNDATION OF NEW ENGLAND, INC.,

Plaintiff,

v.

METROPOLITAN DISTRICT COMMISSION,

Defendant.

SCHEDULE SEVEN COMPLIANCE ORDER NUMBER 221

October 19, 2011

STEARNS, D.J.

This is the two hundred and twenty-first Compliance Order that has issued in this litigation. On September 15, 2011, the Massachusetts Water Resources Authority

(MWRA) filed its Quarterly Compliance and Progress Report. The United States declined to file a response.

I. Schedule Seven

There were no scheduled activities for this last quarter on Schedule Seven.

A. Progress Report

1. Combined Sewer Overflow (CSO) Program

The MWRA reports that since May 4, 2011, when it brought the North Dorchester Bay storage tunnel and related facilities into service, the eleven CSO and stormwater diversion gates have been open during more than 40 rainfall events, excepting Hurricane Irene. To date, nearly 100 million gallons of potential outfall discharge have been captured in the storage tunnel and dewatered.

During Hurricane Irene, the MWRA closed the six stormwater diversion gates to the tunnel after experiencing heavy rains and receiving a forecast of an additional 5 inches of rain in a 24-hour period. While the gates were closed, stormwater was released over the stormwater diversion structure weirs to North Dorchester Bay with no report of any upstream flooding. The MWRA reports that it managed full capture of CSO flows during Hurricane Irene, and that all CSO diversion gates were maintained in their fully open positions, thereby preventing CSO discharges to the Dorchester Bay beaches.

The Boston Water and Sewer Commission (BWSC) has completed the removal of the decommissioned structures at the end of the outfall pipe at Outfall BOS087, which previously discharged into North Dorchester Bay. The possibility of CSO or stormwater discharge to the South Boston beaches from this outfall has been eliminated. In addition, BWSC expects that its project (partially funded by the MWRA) to bring CSO discharges to the Dorchester Brook Conduit and the Fort Point Channel into conformance with the long-term CSO control plan will be completed by November of 2011.

a. Cambridge Sewer Separation

The MWRA reports that progress continues on Contract 12, with the creation of a temporary pedestrian and bicycle path detour and the relocation of gas, electric and communications conduits. In addition, the City of Cambridge held an open meeting in September to apprise the public of the clearing and excavation work planned for the Alewife Reservation. The contractor is scheduled to begin excavation for the wetland basin in the Reservation in October. Finally, the design phase for the three remaining projects that comprise the CAM004 sewer separation project is progressing, and all projects are expected to be completed by December of 2015, in compliance with Schedule Seven.

b. Control Gate and Floatables Control at Outfall MWR003 and

MWRA Rindge Avenue Siphon Relief

The MWRA reports that it has drafted the scope of services for the last two projects in its long-term CSO control plan, and plans to award the design contract by April of 2012, in compliance with Schedule Seven.

c. Brookline Sewer Separation

The MWRA reports that the Town of Brookline continues to make substantial progress on its \$25.9 million sewer separation project, which it expects to complete in advance of the July of 2013 milestone. The MWRA is continuing with the final design of its plan to clean CSO Outfall MWR010, to ensure that the outfall has adequate capacity to convey Brookline's separated stormwater (in addition to existing BWSC's stormwater and infrequent CSO discharges from the Charles River Valley Sewer) to the Charles River.

d. Reserved Channel Sewer Separation

According to the MWRA, BWSC continues to make progress on the Reserved Channel sewer separation project. This extensive project, comprised of eight construction contracts - including the installation of storm drain, sanitary sewer, water main, and new catch basins; rehabilitation of CSO outfalls; and sewer separation - totals \$62.3 million and is expected to be completed by December of 2015, in compliance with Schedule Seven.

2. Revisions to Schedule Seven

The MWRA has submitted a proposed revision of Schedule Seven that reflects changes allowed by the court's Orders of April 14, 2011, and July 14, 2011, granting the MWRA's motions to amend. The court hereby adopts the proposed revision to Schedule Seven, noting that no opposition has been voiced by any other party.

II. Comments

The court is pleased with the continuing progress.

ORDER

The parties are ORDERED to report to the court as previously scheduled.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE